

COMMISSION MEETING MINUTES
September 13, 2016

The Board of Davis County Commissioners met in room 303 of the Davis County Administration Building, 61 South Main Street, Farmington, Utah on September 13, 2016 at 10 am. Members present were Commissioner John Petroff - Chair, Commissioner Jim Smith, Commissioner P. Bret Millburn, Clerk/Auditor Curtis Koch, Assistant Chief Deputy Civil County Attorney Michael Kendall and Deputy Clerk/Auditor Shauna Brady.

Meeting Agenda as posted:

Meeting Agenda as posted PUBLIC NOTICE is hereby given that the Board of Davis County Commissioners, Farmington, Utah, will hold a Commission Meeting at the Davis County Administration Building, 61 South Main Street, Room 303, Farmington, Utah, commencing at 10 am on September 13, 2016.

OPENING

Pledge of Allegiance – by invitation

RECOGNITIONS, PRESENTATIONS AND INFORMATIONAL ITEMS

- Constitution Day September 16th
- 2016 Commissioners' Cup Grant Applications being accepted through November 1st

BUSINESS/ACTION

Chris Sanford, Davis County Library Director, presenting:

Agreement with Sherry Meidell – water color artist activity at “Night with the Masters” (payable)

Adam Wright, Davis County Public Works Director, presenting:

Change order with Jordan Valley Construction, Inc. – excavate & fill with flowable fill for street rebuild project at 4000 South 900 West in Bountiful (payable)

Mike Moake, Davis County Legacy Events Center Marketing, presenting:

Agreement with Salty Dogs Agility Club of Utah, Inc. – space rental for Regional Dog Agility Competition (receivable)
Agreement with USA Wrestling Utah – space rental for All Age Wrestling Tournaments (receivable)

Mark Langston, Davis County Information Services Director, presenting:

Agreement with White Box Technologies Inc. – mutual nondisclosure and confidentiality agreement (n/a)

Mack McDonald, Davis County Facilities Director, presenting:

Agreement with Morgan Pavement Maintenance Inc. – 2016 asphalt repairs (payable)

Brian Hatch, Davis County Health Director, presenting:

Agreement with Utah Dept. of Health – FY2017 funds to Davis School District to help increase physical activity of Davis County elementary school children (receivable pass-through)

Tony Thompson, Davis County Planning Manager, presenting:

Request to grant temporary access license to Creekside Elementary of Davis School District for a Wetland Educational Adventure Field Trip on Mutton Hollow Basin (n/a)
Assignment of sealed bid #13-2016 to Sam Hammack for surplus tax sale property located at 400 East 165 South in Farmington (Tax ID 07-041-0017)

Jeff Oyler, Davis County Planning Manager, presenting:

Request approval to appoint Ali Avery as a member of the Davis County Planning Commission

Tony Zambrana, Davis County Grants Auditor, presenting:

Agreement with Family Connection Center – SSBG funding operational expenses for Family Support and Community Action programs (payable)
Resolution approving interlocal cooperation agreement between Fruit Heights City and Davis County relating to the conduct of Community Development Block Grant Program for Federal fiscal years 2017, 2018 & 2019 and successive three year periods thereafter and approving the amendments No. 1 to the interlocal cooperation agreements between Davis County and Bountiful City, Centerville City, Clinton City, Farmington City, Kaysville City, North Salt Lake City, Sunset City, Syracuse City, West Bountiful City, West Point City and Woods Cross City relating to the conduct of Community Development Block Grant Program for Federal fiscal years 2011, 2012 and 2013 and successive three year periods thereafter
Interlocal agreement with Fruit Heights City - Community Development Block Grant Program Urban County Entitlement status (receivable)
Amendment to interlocal agreements with the cities of Sunset, Clinton, West Point, Farmington, Centerville, West Bountiful, Bountiful, Woods Cross, North Salt Lake, Syracuse, Kaysville – Community Block Grant Program Urban County Entitlement status (receivable)

BOARD OF EQUALIZATION

Request for Approval of the Property Tax Register

CONSENT ITEMS

Check Registers
Minutes – August 30, 2016

COMMISSIONER COMMENTS

PUBLIC COMMENTS (3 Minutes per Person)

CLOSED SESSION: UCA 52-4-205(1)(e) strategy session to discuss the sale of real property

Action Taken Regarding Matters Discussed in Closed Session

Pledge of Allegiance Rhonda Perks, Field Representative for Congressman Chris Stewart, led the Pledge of Allegiance. All in attendance were invited to stand and join in.

Constitution Day

Commissioner Petroff noted Constitution Day is September 17 and will be celebrated this year on September 16. He presented a brief history saying it was first celebrated in 2005. Also known as Citizenship Day, Constitution Day is an American holiday honoring the day 39 delegates to the Constitutional Convention signed the United States Constitution. This historic date was September 17, 1787. Few Americans know that September 17th is the birthday of our government. He read, "The ideals on which America was founded, commitments to the rule of law, limited government and the ideals of liberty, equality and justice are embodied in the Constitution - the oldest written constitution of any nation on earth." He then quizzed the audience with a few questions surrounding Constitution Day and encouraged us to think about these events.

Commissioner Millburn thanked Commissioner Petroff for his comments. He said he read an article in Sunday's paper asking folks what they would do if they were president of the United States. He was particularly impressed with Karem Abdul Jabar's response which was that he would make Constitution Day a national holiday. Commissioner Millburn said, "There is some real wisdom in that. We all celebrate our independence, but the reason we enjoy our freedoms is because of what is outlined in that great document and its amendments. He said politicians and citizens should remember our forefathers, especially as we step back and see what is happening on a national level today, especially in Congress. He said, "There is such a thing as compromise. Often times we forget that yes, you can have an opinion and you can debate, but at the end of the day, we are looking for solutions by which we all can live by. We need to look back at history and apply those principles."

Commissioner Petroff suggested we read David McCullough's book ["1776"] saying, "It's as good a history as you will ever read. You will get to find out what people were thinking and receive terrific insight into the lives of our forefathers and founders of our country."

2016 Commissioners' Cup Grant Applications

2016 Commissioners' Cup Grant Applications are being accepted through November 1, 2016. The application can be found on the Davis County website. These grants are from funds raised at the annual Commissioners' Cup Golf Tournament to be used for educational programs for our youth.

Agreement #2016-366 with Sherry Meidell to present at "Night with the Masters"

Chris Sanford, Davis County Library Director, presented agreement #2016-366 with Sherry Meidell to present an activity as a water color artist at the "Night with the Masters." This is in conjunction with the opening of the Davis County Arts Advisory Committee Fine Art Exhibit. The payable contract amount is \$50.00. The contract period is September 16, 2016.

Commissioner Smith made a motion to approve. Commissioner Millburn seconded the motion. All voted aye. The document is on file in the office of the Davis County Clerk/Auditor.

Change order #2016-163A with Jordan Valley Construction for street rebuild project at 4000 South 900 West in Bountiful

Adam Wright, Davis County Public Works Director, presented change order #2016-163A with Jordan Valley Construction. Adam explained that during the street rebuild project at 4000 South 900 West in Bountiful, a spring was discovered under the parking area of a nearby senior center. To correct the problem, it was necessary to excavate and fill it with flowable fill. Commissioner Petroff commended Jordan Valley Construction and Public Works for being able to correct this with reasonable funds. The payable contract amount is \$2,000.00.

Commissioner Smith made a motion to approve. Commissioner Millburn seconded the motion. All voted aye. The document is on file in the office of the Davis County Clerk/Auditor.

Mike Moake, Davis County Legacy Events Center Marketing, presented the following:

Agreement #2016-367 with Salty Dogs Agility Club of Utah for LEC space rental

Agreement #2016-367 with Salty Dogs Agility Club of Utah, Inc. for space rental at the Legacy Events Center for Regional Dog Agility Competitions. The receivable contract amount is \$5,625.00. The contract period is February 23-26, May 26-29, August 3-6, 2017.

Commissioner Millburn made a motion to approve. Commissioner Smith seconded the motion. All

voted aye. The document is on file in the office of the Davis County Clerk/Auditor.

Agreement #2016-368 with USA Wrestling Utah for LEC space rental

Agreement #2016-368 with USA Wrestling Utah for space rental at the Legacy Events Center for All Age Wrestling Tournaments for state and region participations. The receivable contract amount is \$9,469.00. The contract periods are October 20-22, November 25-26, December 27-29, 2016 and February 3-4 and April 19-22, 2017.

Commissioner Smith made a motion to approve. Commissioner Millburn seconded the motion. All voted aye. The document is on file in the office of the Davis County Clerk/Auditor.

Agreement #2016-369 with White Box Technologies for mutual nondisclosure/confidentiality of Spillman data

Mark Langston, Davis County Information Systems Director, presented agreement #2016-369 with White Box Technologies Inc. for a mutual nondisclosure and confidentiality agreement for us to give them our Spillman data [jail] to find out what the price would be to convert the data. There are no monies exchanged.

Commissioner Smith made a motion to approve. Commissioner Millburn seconded the motion. All voted aye. The document is on file in the office of the Davis County Clerk/Auditor.

Agreement #2016-363 with Morgan Pavement Maintenance for 2016 asphalt repairs

Mack McDonald, Davis County Facilities Director, presented agreement #2016-363 with Morgan Pavement Maintenance Inc. for asphalt repairs at the Legacy Events Center, the Layton and Centerville libraries and the parking lot at the DMV (Department of Motor Vehicles). The payable contract amount is \$145,000.00. Mack indicated they will be monitoring the outside temperatures to insure the repairs are done at optimal times.

Commissioner Smith made a motion to approve. Commissioner Millburn seconded the motion. All voted aye. The document is on file in the office of the Davis County Clerk/Auditor.

Agreement #2016-370 with Utah Dept. of Health for FY2017 funds to DSD for students increased physical activity

Brian Hatch, Davis County Health Director, presented agreement #2016-370 with the Utah Department of Health for FY2017 funds for the Davis School District to implement the "Healthy Bodies, Healthy Minds" program to increase physical activity of Davis County elementary school children. Brian mentioned this program was started in Davis County and has now spread throughout the state. The receivable pass-through contract amount is \$20,000.00, of which \$18,000.00 will pass through to the Davis School District. The \$2,000.00 balance will be retained for administrative purposes. The contract period is July 1, 2016 through June 30, 2017.

Commissioner Smith made a motion to approve. Commissioner Millburn seconded the motion. All voted aye. The document is on file in the office of the Davis County Clerk/Auditor.

Request to grant temporary access license #2016-371 to Creekside Elementary for field trip

Tony Thompson, Davis County Property Manager, presented the following:

Request to grant temporary access license #2016-371 to Creekside Elementary of Davis School District for a Wetland Educational Adventure Field Trip on Mutton Hollow Basin. There are no monies exchanged. The access license period is approved for September 15, 2016.

Commissioner Smith made a motion to approve. Commissioner Millburn seconded the motion. All voted aye. The document is on file in the office of the Davis County Clerk/Auditor.

Assignment #2016-372 of sealed bid #13-2016 to Sam Hammack for surplus property

Assignment #2016-372 of sealed bid #13-2016 for surplus tax sale property (Tax ID 07-041-0017) located at 400 East 165 South in Farmington. The highest bid was received by Sam Hammack of Farmington in the amount of \$200.00. This property was struck to the County in 2014 for delinquent taxes and penalty in the amount of \$340.49. The County's Assessor assemblage value for this property is \$2,817.00 for .02 acre. Tony recommended Mr. Hammack's bid be accepted and to move forward to finalize the sale.

Commissioner Millburn made a motion to approve. Commissioner Smith seconded the motion. All voted aye. The document is on file in the office of the Davis County Clerk/Auditor.

Request to appoint Ali

Jeff Oyler, Davis County Planning Manager, presented a request to appoint Ali Avery as a member of

Avery as a member of the Davis County Planning Commission

the Davis County Planning Commission. Ms. Avery is a resident of Farmington and works in Planning at North Salt Lake City. Jeff commented she has a lot of experience in planning commission matters. Her term will be five years.

Commissioner Millburn made a motion to approve. Commissioner Smith seconded the motion. All voted aye.

Tony Zambrana, Davis County Grants Auditor, presented the following:

Agreement #2016-373 with FCC for SSBG funding of operation expenses

Agreement #2016-373 with Family Connection Center for SSBG funding of operational expenses for Family Support and Community Action Programs including parent education, nursery services, therapy and general promotion of self-reliance to their clients. This was recommended by the Review Committee for the receivable amount of \$44,500.00. The contract period is July 1, 2016 through June 30, 2017.

Commissioner Millburn made a motion to approve. Commissioner Smith seconded the motion. All voted aye. The document is on file in the office of the Davis County Clerk/Auditor.

Resolution #2010-229G approving interlocal cooperation agreement re: CDBG grant between Davis County & cities and adds Fruit Heights City

Resolution #2010-229G approving an interlocal cooperation agreement between Davis County and Bountiful City, Centerville City, Clinton City, Farmington City, Kaysville City, North Salt Lake City, Sunset City, Syracuse City, West Bountiful City, West Point City and Woods Cross City relating to the conduct of the Community Development Block Grant (CDBG) Program for Federal fiscal years 2017, 2018 & 2019 and successive three-year periods thereafter. This resolution adds Fruit Heights City to the list of participating cities (see Interlocal Agreement #2010-229H).

Commissioner Smith made a motion to approve. Commissioner Millburn seconded the motion. All voted aye. The document is on file in the office of the Davis County Clerk/Auditor.

Interlocal agreement #2010-229H with Fruit Hts. for CDBG Program Urban County Entitlement status

Interlocal agreement #2010-229H with Fruit Heights City for Community Development Block Grant Program Urban County Entitlement status (see Resolution #2010-229G). The contract period is 2017, 2018, 2019 and successive three-year periods thereafter.

Commissioner Smith made a motion to approve. Commissioner Millburn seconded the motion. All voted aye. The document is on file in the office of the Davis County Clerk/Auditor.

Interlocal agreements #2010-229G with cities for CDBG Program Urban County Entitlement status

Amendment #2010-229G adding language required by HUD to interlocal agreements with the cities of Sunset, Clinton, West Point, Farmington, Centerville, West Bountiful, Bountiful, Woods Cross, North Salt Lake, Syracuse, Kaysville regarding Community Block Grant Program Urban County Entitlement status. Michael Kendall, Davis County Assistant Chief Deputy Attorney, explained that these contracts run on the Federal fiscal year starting on October 1st for three years. They are automatically renewed unless they are terminated. HUD provides notice as they see fit when changes are necessary. They had a couple of additional items in this most recent notice required by all Urban County Entitlement counties. There is a separate interlocal agreement with cities similar to what the agreement is with Fruit Heights. That is why there is a requirement for the amendment to be made separately with all of the other cities.

Commissioner Smith made a motion to approve. Commissioner Millburn seconded the motion. All voted aye. The document is on file in the office of the Davis County Clerk/Auditor.

Convene as BOE

Commissioner Smith made a motion to convene as the Board of Equalization. Commissioner Millburn seconded the motion. All voted aye. The document is on file in the office of the Davis County Clerk/Auditor.

Property Tax Registers approved

Curtis Koch presented 3 veteran abatements totaling \$2,492.20 and 1 correction on a business for a refund of \$20,314.02.

Commissioner Smith made a motion to approve. Commissioner Millburn seconded the motion. All

voted aye.

Reconvene
Commission
Meeting

Commissioner Millburn made a motion to reconvene Commission Meeting. Commissioner Smith seconded the motion. All voted aye.

Check
Registers
approved

Check registers as prepared by the Davis County Clerk/Auditor's Office were approved with a motion by Commissioner Smith. Commissioner Millburn seconded the motion. All voted aye. The documents are on file in the Davis County Clerk/Auditor's Office.

8/30/16
Commission
Meeting
minutes
approved

Commissioner Millburn made a motion to approve the August 30, 2016 Commission Meeting minutes. Commissioner Smith seconded the motion. All voted aye. The document is on file in the office of the Davis County Clerk/Auditor.

Commissioner
comments:
Commissioner
Smith

Commissioner comments:

Commissioner Smith said he attended the Utah Association of Local Boards of Health (UALBOH) Conference last week and came away being very appreciative of our local Board of Health. "Brian [Hatch] runs an excellent organization with a wonderful team and we are really blessed here in Davis County. It was a very good use of my day to spend it up there and understand some of the issues that boards of health face."

He also commented regarding the earlier conversation about Constitution Day. "The one part that always stands out in my mind is that the Constitution protects those who protest against it and attack it. That's part of the beauty of the document itself and also part of the irony with those who do have a tendency to take issue with the things that our country stands for. I'm not blind to some of the challenges, but very appreciative of that document and how it shaped our futures from the time we were little until way passed when we are gone."

Public
Comments

No public comments.

Closed session
per UCA
52-4-205(1)(e)

Commissioner Millburn made a motion to move to closed session per UCA 52-4-205(1)(e) strategy session to discuss the sale of real property. Commissioner Smith seconded the motion. All voted aye.

Reconvene
open session

Commission meeting reconvened.

Action taken
from closed
session

Action taken regarding matters discussed in Closed Session to approve the sale of property.

#2016-355
regarding
purchase and
Quit Claim
Deed for
Tax ID
11-004-0059

Tony explained the August 30, 2016 Commission Meeting Agenda item for the purchase of Tax ID 11-004-0059 was approved to be declared as surplus property. However, the real estate purchase contract with Scott and Jennifer Whetman was tabled. This property came to the county in 2012 in a tax sale. Taxes struck off at this sale were \$23,503.36. The property has been identified by Layton City engineers as having quite a few challenges on it. It has wetlands, slope failure, the majority is in a FEMA flood plain and a geo-technical study showing the potential for landslides has been provided to the County by Mr. Whetman. It has been deemed as unbuildable and the value of it is quite suppressed. Costs to improve and develop the property would be very high.

Commissioner Millburn asked if Mr. Whetman owned the abutting parcels in 2012 when the land was struck to the County. Tony does not believe he did. Real estate purchase contract #2010-355 and Quit Claim Deed were presented.

Commissioner Smith made a motion to approve the sale of the property as proposed. Commissioner Millburn seconded the motion. All voted aye. Tony will proceed with Mr. and Mrs. Whetman.

Meeting
adjourned

Meeting Adjourned.

Clerk/Auditor

Chair